



Sex Offenders: A Special Population

Hon. Mark D. Stoner
Marion Superior Court

mstoner@indygov.org

April 18, 2008

2008 New Legislation

- HB 1276: New Bail Procedure for Sexually Violent Predator (SVP) and other sex offenders IC 35-33-8-3.5
- **No Bail** until bail hearing held in open court
- Hearing must occur within 48 hours of arrest *unless exigent circumstances*
- Court should consider raising bail only

H.B. 1276 (cont)

- Delayed bail procedure applies to:
 - “SVP DEF”
 - Child molesting IC 35-42-4-3 [all offenses]
 - Child Solicitation IC 35-42-4-6 [all offenses]

“SVP DEF” defined as SVP charged with or arrested for sex or violent offense under IC 11-8-8-5

2008 New Legislation

- SB 258: Sex Offender Registration:
 - Offenders must now register email addresses, instant messaging & other computer identifiers IC 11-8-8-8(a)(7)
 - Offenders also must agree to searches of their computers and installation of monitoring devices, at DEF's expense, on their computers to track Internet usage IC 11-8-8-8(b)
 - Any changes in email addresses, IMs, etc, must be reported in person w/in 72 hrs. to local law enforcement IC 11-8-8-11(f)

SB 258 (cont)

- Sex or violent offenders must register for 10 years:
 - New: if, during that 10 years, DEF is arrested for anything, the registration period does not re-start, but is tolled
 - If DEF commits subsequent sex or violent offense, additional registration years can be added IC 11-8-8-19 (a)(5)



SB 258 (cont)

Sex Offender probation Terms:

- 1,000 feet restriction from schools specifically defined as “property line...to property line....”
 - Probation can require DEF's to consent to computer searches and installation of computer monitoring equipment and banishment from children's communication websites
- IC 35-38-2-2.2 & 3

SB 258 (cont)

- New crime: Sex Offender Internet Offense
- is MA unless prior conviction, then =FD
has Romeo-Juliet defense
- Applies only to (a) a sex or violent offender who
is an adjudicated SVP or
(b) found guilty of certain crimes

□ Elements:

knowingly or intentionally

uses a social networking web site or an instant messaging or
chat room

that the DEF knows allows a person ,18 to access or use

IC 35-42-4-12

Law recognizes a *mens rea* and abandonment defense

SB 258 (cont)

- New Crime: Inappropriate Communication with a Child MB offense

- Elements:

- DEF >21

- knowingly or intentionally

- communicates w/ person believed <14

- concerning sexual activity

- w/ intent to gratify sexual desires of


- DEF or the child

- MA offense if done via computer network

IC 35-42-4-13

New Legislation (cont)

- HB 1271: “Credit Restricted Felon” created under IC 35-41-1-5.5
 - Eligible offenses:
 - Child molesting (IC 35-42-4-3(a)) involving intercourse or DSC if DEF >21 and V <12
 - Child molesting resulting in death or SBI
 - Murder (a) done while committing or attempting CM
 - (b) the V=sex crime V under IC 35-42-4 (any)
 - (c) the V= sex crime witness and DEF killed with intent to prevent the witness from testifying
 - New credit time class IV: 6 for 1 credit IC 35-50-6-3(d)

- 
- Law is effective July 1, 2008 (Note: for **convictions**, not offenses, after 6/30/08)
 - DEF cannot receive higher credit time classification but can go into class III (no credit time)
 - DEFs starting in class I or II cannot go into class IV

SEXUALLY VIOLENT PREDATOR

IC 35-38-1-7.5

- Sec. (a) defines SVP:
 - DEF suffers from mental abnormality or personality disorder that makes the DEF likely to repeatedly commit a sex offense
- Sec. (b) then says DEF = SVP “by operation of law” if convicted of specified crimes and released from incarceration, detention, or probation after 6/30/1994

SEXUALLY VIOLENT PREDATOR

- At sentencing, the Court shall indicate on the record if DEF =SVP
- Court also shall notify DOC
- Statute requires DEF to register as sex offender

Who must register:

■ For life:

- (1) SVP
- (2) sex or violent offender where $DEF > 18$ and $V < 12$
- (3) sex or violent offender proximately causing death or SBI; used force or threats v. V or V's family; or made V unconscious or incapable of giving voluntary consent
- (3) DEF w/ 2 unrelated offense as sex or violent offender

Who must register?

- For 10 years:

- ☐ Sex or violent offender

10 year period after release from:

penal facility, including juvenile

community transition program

community corrections program

probation or parole

whichever is last

2007 H.B. 1386: other provisions

- “SVP”
35-38-1-7.5
- v. “Offender v. children”
35-42-4-11

has mental abnormality or
Personality disorder that makes
DEF likely to repeatedly
Commit sex offense

SVP or
DEF convicted of:
child exploitation
child molesting as C felony
child solicitation
child seduction
kidnapping w/ $V < 18$



2007 H.B. 1386: other provisions

- Definition/application of SVP expanded:
 - now covers attempt & conspiracy charges
 - covers similar offenses from other jurisdictions
 - covers offenders who have prior juvenile predicate offenses
 - covers juvenile offenders

2007 H.B. 1386: other provisions

■ Definition/application of SVP expanded:

- If SVP DEF being supervised by other non-DOC agencies, parole board may delegate supervision to those agencies

IC 35-38-1-29

Courts may not grant waiver of 1,000 feet from school prohibition or 1 mile V residence restriction to SVP or “offender against children” as defined by IC 35-42-4-11

IC 35-38-2-2.2 & 2.5

- If SVP DEF not sent to DOC, Court shall order parole board to place DEF on lifetime parole

2007 H.B. 1386: other provisions

- Definition/application of SVP restricted:
 - Covers only offenses where DEF “released from incarceration, secure detention, or probation for the offense after June 30, 1994”
 - If prosecutor seeks Court declaration that offender is SVP despite conviction for crime not on specified list:
 - Court must order expert evaluations
 - Court must conduct hearing where experts testify


2007 H.B. 1386: other provisions

- Definition/application of SVP restricted:
- “Romeo-Juliet” crimes excluded where:
 - $V > 12$ at time of offense
 - DEF not more than 4 yrs. older than V and has no adult or juvenile prior sex offense convictions
 - V-DEF in dating or ongoing, but not family, relationship
 - Offense isn’t rape, CDC, deadly weapon or deadly force, SBI, use of date drugs
 - DEF not in position of authority/substantial influence over V
 - Court finds DEF is not SVP

2007 H.B. 1386: other provisions

- Petitions to have Courts determine DEF is no longer a SVP:
 - DEF ineligible if 2 prior registration required offenses
 - Court may dismiss petition w/o hearing
 - Court may not grant petition unless:
 - Court appoints 2 psychologists or psychiatrists
 - Experts must evaluate DEF
 - Experts must testify at hearing


IC 35-38-1-7.5(g)



2007 H.B. 1386: SEX OFFENDERS

- Mens rea element of “knowingly or intentionally” added to crime of misusing limited criminal history

IC 10-13-3-27 class A misdemeanor




2007 H.B. 1386: SEX OFFENDERS

- Violent offender registry established
- --inspections from ISP are free

IC 10-13-3-30(c)

--ISP must maintain records on incarcerated,
out of state offenders whose registration
requirement has expired

IC 11-8-2-12.4 (5)




2007 H.B. 1386: SEX OFFENDERS

- Distinction drawn between new section “sex offender” under IC 11-8-8-4.5 and “sex or violent offender” of IC 11-8-8-5:
 - “violent offender” portion covers exact same offenses except it adds murder and voluntary manslaughter


2007 H.B. 1386: SEX OFFENDERS

- Both IC 11-8-8-4.5 and IC 11-8-8-5 have changes for sex offender registration:
 - DEF convicted of sexual misconduct w/ a minor, class C felony, is excluded if DEF w/in 4 years of victim's age and court makes a finding that the DEF does not need to register



2007 H.B. 1386: SEX OFFENDERS

- parents and guardians of children under 18 who are convicted of kidnapping or criminal confinement on them are excluded
- Juvenile Court now shall consider expert testimony before it can determine if child = “sex offender” IC 11-8-8-4.5 (c)



2007 H.B. 1386: SEX OFFENDERS

- New offenses added to registry:
 - Promoting Prostitution, B felony
 - Promotion of human trafficking if V<18
 - Sexual trafficking of a minor
 - Human trafficking if V <18


2007 H.B. 1386: SEX OFFENDERS

■ Registration Requirements under IC 11-8-8-7:

- violent offender (new status) has same requirements as a sex offender

Other changes to IC 11-8-8-7:

- an offender who works here 7 (was 14) consecutive days, or more than 14 days (was 30) in a year must register



2007 H.B. 1386: Sex Offender Registry


- Local law enforcement now must update NCIC National Sex Offender Registry via IDACS
 - also must notify ISP whenever out-of-state offender changes address, job or school enrollment

Offender now must supply vehicle description & plate # for vehicles owned or operated + address where offender stays any 7 days in 14 day period

2007 H.B. 1386:


Sex Offender Registry

- Probation Department must send sentencing order, PSI, and other information to ISP if DEF placed on probation IC 11-8-8-9(d)
- If offender moves, changes job or educational pursuit, offender must report in person to new law enforcement agency w/in 72 hours of address change IC 11-8-8-11(a)(2); 11-8-8-11(a)-(d)



2007 H.B. 1386: Sex Offender Registry

- Offenders living in temporary residences must report in person every 7 days to local law enforcement
- Sexual violent predator (under IC 35-38-1-7.5) must give updated photo every 90 days (all others supply annual photo)



2007 H.B. 1386: Sex Offender Registry

- New offense: failure to live at your registered address/location = D felony
- Also, DEF may not use inability to pay registration or address change fees as a defense to registration requirements

I.C. 11-8-8-17

2007 H.B. 1386:

Sex Offender Registry

- Sexual violent predators must appear in person to notify authorities if absent more than 72 hours from jurisdiction
- --- written notifications now disallowed

D felony sexual battery DEFs no longer must register for life (they get normal 10 year registration)

IC 11-8-8-19(d)(2)

Offenders from other jurisdictions must register for periods required by their jurisdiction, or by Indiana's time period, whichever is longer IC 11-8-8-19(f)


2007 H.B. 1386:

Sex Offender Registry

- DOC now has authority to exchange and transmit information re: offenders from other jurisdictions (*Governor formally had discretion*)
- DOC authorized to maintain a new “sex and violent offender administration fund”


IC 11-8-8-21

- Annual county offender registration fee <\$50 and address change fee <\$5 authorized
- (90%-10% state-county split) IC 36-2-13-5.6



2007 H.B. 1386: Sex Offender Registry

- **New statute** IC 11-8-8-22 provides way for offender to petition court when state or federal laws change making registration requirements less restrictive:
 - Court may summarily deny petition
 - Court may not grant unless Court
 - (a) notifies Prosecutor
 - (b) sets a hearing
 - (c) makes specified findings
 - (d) notifies victim, DOC, and local law enforcement where DEF resides



2007 H.B. 1386: Sex Offender Registry

- Parole board responsibilities:
 - may waive requirement for parolee to live beyond 1,000 feet of a school or w/in 1 mile of victim
 - exception: sexual violent predators [SVP]
 - if waiver granted, parole must notify each school


Parole may require re-entry court participation and must require 24 electronic monitoring for SVPs

2007 H.B. 1386: other provisions

- Defense against child molesting charge:

Even if DEF reasonably believes $V > 16$, it is not a defense if:

use of deadly force or deadly weapon;
serious bodily injury occurs; or
DEF gave V drug or controlled
substance without V's knowledge



2007 H.B. 1386: other provisions:

- Child Solicitation, IC 35-42-4-6, increases to B felony if DEF has prior unrelated conviction for same offense

2007 H.B. 1386: other provisions

- “Romeo-Juliet defense” applies to Sexual Misconduct with a Minor IC 35-42-4-9
 - Same qualifications as SVP defense except
DEF cannot be >21

Romeo-Juliet defense for class B felony Child Molesting Convictions may not require mandatory executed sentence under IC 35-50-2-2 for subsequent felony convictions

2007 H.B. 1386: other provisions

- “Offender v. children” expanded
- -- to cover attempt & conspiracy offenses
- -- can be charged w/ unlawful employment near children by a sexual predator

IC 35-42-4-10

- cannot reside w/in 1,000 feet of school
[not post-secondary] IC 35-38-2-2.2

2007 H.B. 1386: other provisions

- **“Offender v. children” may petition for change of this status:**
 - must wait for 10 years after incarceration, probation, or parole, whichever is last;**
 - ineligible if 2+ convictions**
 - Court may dismiss petition w/o hrg.**
 - if hrg. held, court must appoint 2 experts to evaluate DEF and testify**
 - Court must notify DOC if status changed**

2007 H.B. 1386: other provisions

- New sentencing requirement for Class A Felony Child Molesting where DEF >21 and V < 12:
 - : **minimum mandatory executed sentence is raised to 30 years**
 - IC 35-50-2-2(i)

2007 H.B. 1386: other provisions

- Parole for life expanded to include DEFs convicted of murder & vol. manslaughter [+SVP] IC 35-50-6-1(e)
- Sex and violent offender registry must show if DEF's fingerprints on file with ISP or FBI
- --if not, Sheriff shall fingerprint & give to ISP IC 36-2-13-5.5(c)

Recent Indiana Cases

- Hunter v. State, 2008 Ind. LEXIS 263 (4/1/2008)

- ☐ Involved interpretation of standard probation term:

“The DEF must never be alone with, or have contact with, any person under <18. Contact includes face to face, telephonic,...or any indirect contact via third parties. You must report any incidental contact with persons <18 to your P.O. w/in 24 hours.”



Hunter (cont)

- Court held definition of “contact” is vague and means more than mere presence
- Court implies communication and/or physical touching is necessary
- ruling did not void the probation term, but it did hold there is insufficient evidence based on these facts

Recent Indiana cases

- Kuypers v. State 878 N.E. 2d 896 (IN. Crt Appeals, 2008)
 - interpretation of child solicitation statute under IC 35-42-4-6
 - for conviction, DEF need not actually meet V or make arrangements to meet;
 - the crime is completed at the time of the utterance

Recent Cases

- Thompson v. State, 875 N.E. 2d. 403
 - Court of Appeals reverses imposition of SVP lifetime registration on DEF as violation of ex post fact law
 - “A lifetime registration...most assuredly has penal implications.”
 - Case traces history of SVP changes: prior to 7/1/06, Court had to use experts; after 7/1/06 DEF could be SVP *per se*

Recent Cases

- Padgett v. State 875 N.E. 2d 310
 - Sentencing statute in effect at time of crime controls
 - SVP when DEF committed crime was 2005 version where Court had to consult 2 experts before finding anyone = SVP
 - SVP when DEF sentenced was 2006 version where DEF = SVP *per se* because of crime committed

Recent Cases

- Padgett court holds the change is an *ex post facto* law as applied to DEF, but registration requirement still upheld v. this DEF under contract theory
- Ex post facto law: substantially disadvantages DEF because it
- (1) increases his punishment
- (2) changes the elements or ultimate facts necessary to prove the offense
- (3) deprives the DEF of some defense or lesser punishment that was previously available

IN. Supreme Court denied transfer of Padgett, so it is still good law

INDIANA CASES TO WATCH

■ J.C.C. v. State, 49A020403JV000266

- Juvenile court ordered 14 yr old, with true finding of forcing three 7-9 yr olds into oral and anal sex w/ DEF and each other, to register as a sex offender
- Juvenile court held hearing and found by clear and convincing evidence that DEF was likely to re-offend based on expert's clinical experience and DEF's score on ERASOR
- DEF argued ERASOR was invalid and does not allow for possibility of rehabilitation
- Appeals Court upheld ; Supreme Court grants transfer



INDIANA CASES TO WATCH

- Wallace v. State 878 N.E. 2d 1269 (Court of Appeals, 2008)
 - DEF challenging duty to register as an ex post facto law
 - DEF's crime in 1988 when no registry existed
 - DEF totally finished w/ case by 1994
 - DEF's crime not subject to a registry until 2001
 - DEF now required to register for life

INDIANA CASES TO WATCH

- Court of Appeals upheld DEF's conviction based upon previous precedent of Spencer v. O'Connor 707 N.E. 2d 1039 (finding registration requirement, by itself, isn't *ex post facto* law) Douglas v. State 878 N.E. 2d 873 (similar facts) and Smith v. Doe, 538 U.S. 84 (2003) (U.S. Supreme Court upholding registries)
- IN. Sup. Court grants transfer on Wallace

INDIANA CASES TO WATCH

- Jensen v. State 878 N.E. 2d :
 - DEF challenging duty to register as an ex post facto law
 - DEF's crime for CM & VSG in 2000 with requirement to register for 10 yrs.
 - DEF totally finished w/ sentence in 2004
 - Legislature creates SVP in 2006 with requirement to register for life
- Trial rules DEF must register but Court of Appeals finds this is *ex post facto* law
- IN. Supreme Court grants transfer

INDIANA CASES TO WATCH

- Jensen court emphasized:

SVP changed:

pre-2006, SVP had to be determined after
consulting 2 experts

now: DEF = SVP by “operation of law”

Plea agreement language:

DEF’s plea, unlike Padgett 875 N.E.2d 310,
did not require DEF to comply with any and all sex
offender subsequent requirements

Lifetime registration is significant and has penal
implications

Federal Sex Offender Laws

1994: 42 U.S.C. #14072(i)

misdemeanor w/ 1 yr penalty; 2nd offense = 10 yrs/

7/27/2006 ADAM WALSH ACT

Public Law 109-248

created felony offenses for failure to register

**SEX OFFENDER REGISTRATION AND NOTIFICATION
ACT (SORNA) 42 U.S.C. #16911 et seq.**

Federal Cases

- Smith v. Doe 538 U.S. 84, 12 S. Ct. 1140 (2003):
 - Supreme Court upheld sex offender registration requirements as being civil and non-punitive in nature and not criminal sanctions
 - Determining factor was whether Alaska, itself, deemed registration civil or criminal in nature
 - *Note: Explains why our registry is in Title 11*
 - Upheld laws requiring DEFs to register even if offenses occurred prior to registry's enactment

Federal Cases

- Federal Courts in disagreement over whether federal laws, punishing DEFs, whose crimes occurred before the registration requirement and who have not registered, violate ex post facto laws:
- in violation: U.S. v. Smith 481 F. [Supp.2d](#) 846 (E.D.Mich. 2007)
- Not a violation: U.S. v. Madera 474 F. Supp 2d 1257 (M.D. Fla.2007) U.S. v. Templeton 2007 WL 445481 (W.D.Okla) U.S. v. Manning 2007 WL 624037 (W.D.Ark)

Other States

- Mann v. Georgia DOC 653 S.E. 2d 740

- Georgia Sup. Ct. invalidates state statute prohibiting DEF living w/in 1,000 feet of daycare when DEF owned home prior to daycare's existence (but upheld statute as to DEF presence at business w/ same situation)

Mikaloff v. Walsh 2007 WL 2572268 (N.D. Ohio 2007) – federal court invalidates 1000' restriction v. DEF who owned home before law enacted---- R.L. v. Missouri
DOC, 2008 WL 433235 reaches same result



FACT SCENARIO

- DEF is 76 years old, with no prior criminal history except a DOC in early 1980s. He put his hand down the pants of a 14-year-old girl. He did not touch her vaginal area, although he clearly tried. The DEF was a church deacon and a family friend to the victim's parents. He did the act while the victim's family helped the DEF with chores. Both sides pled the case down to a D felony sexual misconduct with a minor and waived a PSI. The plea calls for open argument.
- What is the appropriate sentence?



FACT SCENARIO

- DEF is a 28 yr old with no prior criminal history. He is busted by an undercover police officer posing as a 15-year-old on the Internet. The DEF is extremely graphic in his sexual suggestions and eventually sends a webcam photo of him masturbating. He is charged with FC child solicitation.
- Since his arrest, the defendant has undergone intense therapy. The therapist believes incarceration will be counterproductive and undo the defendant's progress.
- What is the appropriate sentencing?

Sex Offender Assessment and Treatment

Judicial College Education Program

April 18, 2008

Adam H. Deming, Psy.D.

Liberty Behavioral Health

Program Director, INSOMM Program

Overview

- Best Practices In Sex Offender Assessment, Treatment, and Management
- The INSOMM Program
- Sex Offender Treatment and Management Resources

Best Practices

- "Best Practices" are based on the best scientific and clinical evidence available.
- Political and social factors regularly influence legal and clinical decision-making (see Birgden, 2004, "Therapeutic Jurisprudence and Sex Offenders: A Psycho-legal Approach to Protection)

Best Practices

- Beliefs Upon Which Many Sex Offender Policies/Laws/Decisions Have Been Made:
 - All Sex Offenders Re-offend, and Are More Dangerous Than Other Offenders
 - All Sex Offenders Are Equally Dangerous
 - Stranger Danger
 - Treatment Does Not Work With Sex Offenders

Best Practices

- Myth vs. Fact: The Evidence
 - Recidivism Rates for Sex Offenders (and in comparison to other offenders)
 - Risk Differences Among Sexual Offenders
 - Family vs. Stranger – Who Poses the Greatest Risk for Perpetrating Sexual Abuse
 - Treatment Outcome Research with Sex Offenders

Best Practices

- Fact: Not All Sex Offenders Re-Offend
- Sex Offender Statistics – Recidivism
 - Base Rates
 - Hanson & Bussiere (1998) meta-analysis included 61 recidivism studies involving 24,000 sex offenders.
 - 13% recidivated with a new sex offense within 4 to 5 years.
 - 12% recidivated with a non-sexual violent offense.
 - 36% recidivated with any re-offense.
 - Base rates can increase to 30-40% over follow-up periods over 20 years (Prentky, Lee, Knight, & Cerce, 1997).

Best Practices

- Sex Offender Statistics – Recidivism
 - Hanson and Harris (2004) in an analysis of 29,000 sex offenders, found 14% recidivism within 4-6 years of release from prison (13% child molesters and 24% rapists), and 24% within 15 years.
 - US Department of Justice
 - Tracked 9,691 male sex offenders released from prison from 15 states in 1994.
 - Within 3 years of release, only 5.3% of these sex offenders were rearrested, and 3.5% convicted, for a new sex crime (2.2% were rearrested for a sex offense against a child).

Best Practices

- Fact: Not All Sex Offenders Are Equally Dangerous
- Significant Risk Differences Exist Among Sex Offenders
 - Sex Offenders Are A Very Heterogeneous Group.
- Sex Offense Recidivism Risk Factors (Hanson, 2000)

	Correlation
– Sexual Deviance -PPG	.32
– Deviant Sexual Preference	.22
– Prior Sexual Offenses	.19
– Treatment Dropout	.17

Best Practices

- Other Risk Factors
 - Male Victims (Hanson et. al., 2003)
 - Unrelated Victims (Hanson et. al., 2003)
 - Victims From Multiple Age Groups
 - Substance Abuse/Dependence ($d=.12$) (Hanson & Morton-Bourgon, 2004)
 - Psychopathy ($d=.29$) (Hanson & Morton-Bourgon, 2004)
- Factors That Appear to Mitigate Risk
 - Age (over 60?) (Barbaree, et. al., 2003)
 - Successful Completion of Treatment (Hanson, et. al., 2002)

Best Practices

- Fact: Most Perpetrators Are Not Strangers
- Bureau of Justice Statistics (2000):
 - 93% of child abuse victims knew their abuser
 - 34% of perpetrators were family members
 - 59% of perpetrators were acquaintances

Best Practices

- Fact: Sex Offender Treatment Does Reduce Recidivism
- Treatment Outcome Studies
 - Several studies (for example, Marshall, et. al., 2005), and meta-analyses (for example, Hanson, et. al., 2002) have demonstrated the effectiveness of sex offender treatment in reducing recidivism.
 - Some debate exists regarding which treatment components are most responsible for the treatment effect (for example, victim empathy and denial?).
 - Research does NOT support the notion that more treatment is better (Hanson & Morton-Bourgon, 2005), and DOES support the idea that treatment should be tailored to risk level and specific treatment needs (for example, Mailloux et. al., 2003).

Best Practices

- Best Practices in Assessment
 - Adult Risk Assessment:
 - Static 99 (General)
 - Stable 2007 (Community Supervision)
 - Adult Assessment of Deviant Arousal:
 - Monarch 21 Penile Plethysmograph
 - Adolescent Risk Assessment:
 - JRAT (Juvenile Risk Assessment Tool)
 - ERASOR (Estimate of Risk of Adolescent Sexual Offense Recidivism)

Best Practices

- Treatment and Supervision Should Be Based on an Assessment of:
 - Offender Risk
 - Offender Need
 - Offender Responsiveness to Interventions and Supervision

Best Practices

- Best Practice In Sex Offender Treatment
 - Sex Offender Specific Treatment
 - Group Therapy
 - Good Lives Model
 - Relapse Prevention
 - Sex Offender Specific Thinking Errors
 - Arousal Management and Reconditioning
 - Sex Offender Related Treatment
 - Social/Interpersonal Skills Training
 - Emotional Management
 - Empathy Development

Best Practices

- Best Practice in Community Sex Offender Management
 - Risk Based Supervision
 - No Evidence to Support the Effectiveness of Residency Restrictions
 - Some Components of Registry Laws Do Not Reduce Risk to the Community, and Are Punitive and Harmful to Sex Offenders and Their Families

The INSOMM Program

- Implemented in 1999 by the Indiana Department of Correction
- Under private contract with Liberty Behavioral Health since 1999
- INSOMM Program Services Include:
 - Prison Based Sex Offender Treatment
 - Community Based Treatment and Monitoring
 - Training
 - Quality Assurance/Annual Recidivism Study.

The INSOMM Program

- Phase I – Assessment
- Phase II – Facility Based Sex Offender Specific Treatment.
- Phase III – Community Management and Monitoring of Paroled Sexual Offenders

The INSOMM Program

- Phase I – Assessment
 - Static 99 Risk Assessment
 - Psychological Inventory of Criminal Thinking Styles (PICTS)
 - Stable 2007 Risk Assessment
 - Multiphasic Sexual Inventory-II
 - Psychosexual Interview
 - Polygraph Assessment
 - PPG (2009?)

The INSOMM Program

- Phase II – Risked Based Sex Offender Specific Treatment
 - Group Modality
 - Risk Based Treatment
 - Focus on:
 - Taking Responsibility for Offenses
 - Relapse Prevention
 - Social/Interpersonal Skill Development
 - Sex Offender Thinking Errors
 - Re-Entry and Placement

The INSOMM Program

- Phase III – Community Management and Monitoring
- Containment Model
 - Parole Agent
 - District Re-Entry and Resource Coordinators
 - INSOMM Program Network Treatment Providers
 - Credentialing
 - INSOMM Program Network Polygraph Examiners
 - Credentialing

Sex Offender Treatment and Management Resources

- Indiana Treatment Providers
 - www.sexoffenderprograms.com
- Center for Sex Offender Management (CSOM) – www.csom.org
- Association for the Treatment Of Sexual Abusers (ATSA) – www.atsa.com

Contact Information

Adam Deming, Psy.D.

440 N. Meridian Street

Suite 220

Indianapolis, Indiana 46204

317-951-1984

ademing@libertyhealth.com

References

- Barbaree, H.E., Blanchard, R., & Langton, C.M. (2003). The development of sexual aggression through the life span: The effect of age on sexual arousal and recidivism among sex offenders. *Annals of the New York Academy of Sciences*, 989, 59-71.
- Birgden, A. (2004). Therapeutic jurisprudence and sex offenders: A psycho-legal approach to protection. *Sexual Abuse: A Journal of Research and Treatment*, 16, 351-364.
- Hanson, R.K. (2000). *Risk Assessment*. Beaverton, Oregon: Association for the Treatment of Sexual Abusers.

References

- Hanson, R.K., & Bussiere, M.T. (1998). Predicting Relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66, 348-362.
- Hanson, R.K., Gordon, A., Harris, A.J.R., Marques, J.K., Murphy, W.D., Quinsey, V.L., & Seto, M.C. (2002). First report of the Collaborative Outcome Data Project on the Effectiveness of Psychological Treatment of Sex Offenders. *Sexual Abuse: A Journal of Research and Treatment*, 14, 169-195.
- Hanson, R.K. & Harris, A. (2004). Sex offender recidivism: A simple Question. Public Safety and Emergency Preparedness Canada.

References

- Hanson, R.K. & Morton-Bourgon, K. (2004). Predictions of sexual recidivism: An updated meta-analysis. Ottawa, Canada: Public Works and Government Services.
- Hanson, R.K. & Morton-Bourgon, K. (2005). The characteristics of persistent sexual offenders: A meta-analysis of recidivism studies. *Journal of Consulting and Clinical Psychology*, 73, 1154-1163.
- Hanson, R.K., Morton, K.E., & Harris, A.J.R. (2003). Sexual offender recidivism risk: What we know and what we need to know. *Annals of the New York Academy of Sciences*, 898, 154-166.

References

- Mailloux, D.L., Abracen, J., Serin, R., Cousineau, C., Malcom, B., & Looman, J. (2003). Dosage of treatment to sex offenders: Are we over-prescribing? *International Journal of Offender Therapy and Comparative Criminology*, 47(2), 171-84.
- Marshall, W.L., Marshall, L.E., Malcom, P.B., Serran, G.A., & Fernandez, Y.M. (2005). Outcome evaluation of a sexual offenders' treatment program. Manuscript in preparation.
- Prentky, R.A., Lee, A.F.S., Knight, R.A., & Cerce, D. (1997). Recidivism rates among child molesters and rapists: A methodological analysis. *Law and Human Behavior*, 21, 635-659.